REMARKS

Amendments to the Claims

Currently, claims 1, 3, and 5-13 are pending. Applicants have amended claim 1 to fix a typographical error whereby "inorganic" was mistyped as "organic." Applicants have further amended claim 1 to address the Examiner's concerns related to the term "such as." Applicants have added claim 13. Support for claim 13 can be found in the paragraph bridging pages 9 and 10 of the specification.

Rejection of Claims 1, 3, and 5-12 Under 35 U.S.C. §103(a)

The Office Action rejects claims 1, 3, and 5-12 under 35 U.S.C. §103(a), as obvious over the combined teachings of Mawatari *et al.* (US Patent 5,614,568) and Hozumi *et al.* (US Patent 5,374,600). Applicants respectfully traverse the rejection.

Applicants addressed Mawatari *et al.* in the previously submitted Remarks. For example, see Remarks submitted on May 16, 2005. The Office Action states that "Applicant argues the cited prior art did not show the instant compositions, particularly as the pesticides now claimed are absent. However, the compositions of Mawatari are applicant's, & able to accept other than the intended pesticides of Mawatari, to wit, some as shown by Hozumi" (sic) (Office Action of January 11, 2006, p.4). If Applicants understand the Office Action correctly, the Office Action mischaracterizes Applicants' arguments. Applicants' main argument was not based on the fact that compositions of Mawatari *et al.* would not work with the claimed pesticides. Rather, Applicants pointed out that Mawatari's invention is different in several crucial aspects: a) Mawatari *et al.* do

not disclose a chemical agent with pesticidal properties as one of the components of their resin composition; b) the effect of pesticides in resins of Mawatari *et al.* is displayed while the pesticides are held within the resin, as opposed to their controlled release as in the instant invention, and c) a lack of use of fibrous inorganic fillers to improve the sustained release of pesticides in resins of Mawatari *et al.* Accordingly, as Applicants explained previously, *Mawatari et al.* fail to disclose a pesticidal resin composition comprising a chemical agent having a pesticidal property.

Applicants respectfully suggest that it is improper to combine Mawatari *et al.* with Hozumi *et al.* Mawatari *et al.* and Hozumi *et al.* are greatly different from each other, belong to different fields of art, and function differently. Specifically, Mawatari *et al.* disclose the art relating to resins for use in products for daily use, such as electric and electronic products, office automation and appliances, home electric products, automobile and related products, and sanitary products. (See, Mawatari *et al.*, column 1, lines 14-18). Resins of Mawatari *et al.* are designed for continuous long-term anti-bacterial and fungicidal protection. On the other hand, Hozumi *et al.* describe resins for a special use as a swelling absorbent for oil, which is used to reduce environmental pollutions by absorbing the oil or the like products spilled into the sea or leaked from a factory. (See, Hozumi *et al.*, column 1, lines 25-33). Rather than imparting continuous anti-bacterial and fungicidal protection, resins of Hozumi *et al.* are designed for *ad hoc* underwater applications. Accordingly, the methods of function of these resins are different: one provides continuous anti-bacterial and fungicidal protection by comprising a combination of an antibacterial agent and a compound having a specific functional group, and the other one absorbs oil or the like products on the *ad hoc* basis.

In summary, one of the cited references (Mawatari *et al.*) relates to a resin for use in daily use products, and another (Hozumi *et al.*) relates to a resin for use in a special material, namely a swelling absorbent for oil. Accordingly, the references are significantly different from each other in the art, methods of function, and in the intended use. Thus, there is no motivation to combine Mawatari *et al.* and Hozumi *et al.* references. To combine the references, the prior art must suggest the desirability of the combination. MPEP §2143.01.III. However, there is no suggestion in the prior art to combine the Mawatari *et al.* and Hozumi *et al.* references. Such a suggestion is absent since, as explained above, Mawatari *et al.* and Hozumi *et al.* relate to different fields of art which have no reason to be combined. Therefore, there is no motivation to combine the Mawatari *et al.* and Hozumi *et al.* references.

Moreover, the effect of the present invention cannot be anticipated from the combination of Hozumi *et al.* and Mawatari *et al.* since Hozumi *et al.* neither teach nor disclose fibrous "inorganic" filters. Specifically, the present invention teaches a combination of sulfone amide or the like, a chemical agent having a pesticidal property, and a fibrous "inorganic" filler. The components are arranged so that the chemical agent having a pesticidal property is held in a resin for a prolonged period of time while being gradually released therefrom. Thus, the pesticidal activity can be exhibited for a remarkably longer time compared with a conventional pesticidal resin composition.

In contrast, Mawatari *et al.* neither teach nor suggest a combination of sulfone amide or the like, a chemical agent having a pesticidal property, and a fibrous inorganic filler in the way the present invention teaches. Further, Hozumi *et al.* do not teach or suggest the use of fibrous inorganic fillers. Therefore, Hozumi *et al.* neither teach nor

suggest the beneficial effect produced by the use of fibrous inorganic fillers. Hozumi *et al.* disclose only "underwater gradual release of a chemical agent" by the solubility of the chemical agent itself. However, the intended use of the present invention is not in water, but with electrical or transportation equipment where the sustained release of a specific component is into the atmosphere. This effect is neither disclosed in the cited references nor is obvious from them.

The unexpected and beneficial results from the practice of the present invention are apparent from the Embodiments. Specifically, Table 1 compares Embodiments 1-15 (not containing fibrous inorganic fillers) with Embodiments 16-21 (containing fibrous inorganic fillers). See, Table 1, p. 12-13. It is evident from the Table that addition of the fibrous inorganic fillers doubles the time period in which sufficient pesticidal activity (symbol "○" in the Table) is exhibited, from three months to six months. This result strongly suggests that the resin composition of the present invention produces a remarkable and unexpected effect of exhibiting the pesticidal activity for a prolonged period of time.

Therefore, Applicants respectfully submit that the §103 rejection has been overcome and request that it be withdrawn.

CONCLUSION

Applicants respectfully submit that the claims comply with the requirements of 35 U.S.C. Section 103. Accordingly, a Notice of Allowance is believed in order and is respectfully requested.

Should the Examiner have any questions concerning the above, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below. If

the Examiner notes any matters which the Examiner believes may be expedited by a telephone interview, the Examiner is requested to contact the undersigned.

Respectfully submitted,

By _____
Jeffrey L. Clark
Reg. No. 29,141

Wood, Phillips, Katz, Clark & Mortimer
500 West Madison Street
Suite 3800
Chicago, IL 60661
T: 312/876-1800
F: 312/876-2020

May 15, 2006